

REMARKS

Claims 1-34 are pending in the present application.

The Examiner has required election in the present application between:

Group 1, claims 1-20, drawn to a system and method for sending and receiving serial data comprising a plurality of secondary stations and a primary station configured to send refresh request and polling request and for retrying one of the polling request and the refresh request within the same determined time to all secondary station from which the primary station failed to receive data and response, primary station sending synchronization request simultaneously to the plurality of secondary stations, classified in class 709, subclass 208;

Group II, claims 21-26, drawn to a system and method for sending and receiving serial data comprising a plurality of secondary stations and a master station to perform first and second sequence determinations in a predetermined fixed period of time, master station determining the first sequence by sequentially sending one of refresh and rolling request to each secondary station and recording a response, classified in class 370, subclass 449; and

Group III, claims 27-34, drawn to a system for sending and receiving serial data comprising a plurality of secondary stations and primary station sending synchronization request to al input type secondary stations and primary station configured for detecting abnormal responses, classified in class 370, subclass 324.

For the purpose of examination of the present application, Applicants elect, with traverse, Group 1, Claims 1-20.

Applicants believe that the restriction requirement is improper and arbitrary. The application has received five separate office actions without receiving a restriction requirement. This means that the U.S. Patent Office considered examination of all claims 1-34 as not creating a burden on the Examiner and thus performing examination of all the claims. MPEP 803 states:

“if the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct invention.” (emphasis added)

The record speaks for itself. The fact that the U.S. Patent Office took the position to examine all claims 1-34 in five separate office actions refutes any argument that claims 1-34 present a serious burden on examination. Thus the examiner must examine all the claims (1-34) as stated in MPEP 803.

It appears to applicants that the rejection requirement this late in prosecution of the application is arbitrarily provided, without sound reason to do so, particularly after all claims 1-34 have been exhaustively examined through three (3) and a half years of prosecution. As stated above, applicants respectfully submit that no serious burden exists in examining the claims together. Therefore, withdrawal of the restriction requirement and examination of claims 1-34 is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings, Registration No. 48,917 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Application No.: 09/764,299

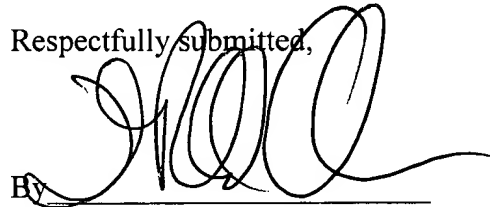
Docket No.: 2565-0221P

- ☒ Attached is a Petition for Extension of Time.
- ☒ Attached hereto is the fee transmittal listing the required fees.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

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Respectfully submitted,



By _____
D. Richard Anderson
Registration No.: 40,439
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant